

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2009 TERM
CAUSE NO. 77C01-0907-MI-00233

ANTHONY WARREN,)
Petitioner)
)
VS.)
)
JAMES BASINGER,)
Respondent)

FILED
IN CIRCUIT COURT

JUL - 9 2009

Allyson Davis
Clerk, Sullivan Circuit Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Petitioner's VERIFIED PETITION FOR STATE WRIT OF HABEAS CORPUS, and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted based on the following:

1. The Petitioner's pleading has failed to state a claim upon which relief may be granted by the Trial Court. The Petitioner has filed a VERIFIED PETITION FOR STATE WRIT OF HABEAS CORPUS which is a remedy to be utilized when a prisoner is entitled to immediate release from custody. Petitioner does not allege he is entitled to immediate release. The Petitioner is attacking the validity of his conviction which must be done through a Post Conviction Relief proceeding.

Based on the foregoing, the Court dismisses this cause with prejudice.

SO RECOMMENDED this 9th day of July, 2009.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate
Sullivan Circuit Court

SO ORDERED this 9th day of July, 2009.

P. J. Pierson
P. J. PIERSON, Judge
Sullivan Circuit Court

Distribution:
Anthony Warren, DOC #993612
P.O. Box 1111
Carlisle, Indiana 47838

Indiana Department Of Corrections
Attn: Commissioner J. David Donahue
E334 Government Center S
302 W. Washington Street
Indianapolis, Indiana 46204-2760

Patricia Orloff Erdmann
Section Chief, Civil Rights and Employment Litigation OAG,
IGCS - 5th Floor
302 West Washington Street
Indianapolis, IN 46204